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Error to Hustings Court of Richmond.

Action by Walter C. Hill against the Virginia Railway & Power Company. Judgment for plaintiff, and defendant brings error. Affirmed.

*H. W. Anderson, A. B. Guigon, and T. J. Moore*, all of Richmond, for plaintiff in error.

*Nelson & Nelson and Gunn & Mathews*, all of Richmond, for defendant in error.

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VIRGINIA RY. & POWER CO. *v.* HILL.

Jan. 11, 1917.

[91 S. E. 198.]

**Damages (§ 130 (1)\*)—Excessive—Personal Injuries.**—Where plaintiff was thrown from an automobile, and complained of constant pain from injured eye and arm during nine months, and testified that the pain was growing worse, a verdict for \$1,000 will not be disturbed as excessive.

[Ed. Note.—For other cases, see Damages, Cent. Dig. § 372; Dec. Dig. § 130 (1).\* 4 Va.-W. Va. Enc. Dig. 204.]

Error to Hustings Court of Richmond.

Action by E. Raymond Hill against the Virginia Railway & Power Company. Judgment for plaintiff, and defendant brings error. Affirmed.

*H. W. Anderson, A. B. Guigon, and T. J. Moore*, all of Richmond, for plaintiff in error.

*Nelson & Nelson, and Gunn & Mathews*, all of Richmond, for defendant in error.

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FOREST VIEW LAND CO., Inc., *v.* ATLANTIC COAST LINE R. CO.

Jan. 11, 1917.

[91 S. E. 198.]

**1. Railroads (§ 94 (5)\*)—Construction—Alteration of County Road—Change in Crossing—Statute.**—Under Code 1904, § 1294b, cl. 3, providing that a railroad deeming it necessary in the construction of its works to cross a county road may do so, provided that, if it wishes to change any road to avoid the necessity of any crossing, a change shall be made by agreement between itself and the county board of supervisors, and that for damages to lands it shall make compensation, and in view of § 1294d, cl. 38, declaring the state's policy against grade crossings, a relocation of a county road bounding plaintiff's

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

property on the north 50 feet further north and a conversion of the grade crossing at the road into an overhead or bridge crossing with embankments on the side of the road for some distance back from the bridge was within the statute, since, though the road crossed the tracks at practically the same point as formerly, a grade crossing was abolished.

[Ed. Note. For other cases, see Railroads, Cent. Dig. § 270; Dec. Dig. § 94.\* 4 Va.-W. Va. Enc. Dig. 125.]

**2. Deeds (§ 90\*)—Construction—Favoring Grantee.**—The court should look to the purpose of a conveyance as disclosed, not only by its terms, but by the surrounding circumstances and the situation of the parties, and should resolve any doubt against the grantor.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. §§ 234-237, 247, 248; Dec. Dig. § 90.\* 4 Va.-W. Va. Enc. Dig. 420.]

**3. Eminent Domain (§ 282\*)—Release of Damages—Construction—"Railroad Works"—"On the Land"—"On."**—A release of all damages to the remainder of the tract by the construction of a railroad or railroad work on the land which could be recovered in condemnation proceedings under the statute, contained in a conveyance by plaintiff's predecessor of additional strips of land adjoining a railroad right of way made for a consideration materially in excess of its market value at the time, and when a comprehensive scheme for reducing grades and double-tracking the line was contemplated, and when the grantor, though without actual knowledge of the particular change, contemplated some damages therefrom to the residue, barred plaintiff's action for damages from the road's relocation of a county road forming the northern boundary of the tract at a point further north, and its change of the grade crossing at the end to an overhead crossing, since the change was incident to the construction of "railroad works," and was within the release provisions "on the land"; the word "on" not always or necessarily implying actual contract, but often used to designate nearness in place or situation (citing Words and Phrases, First and Second Series, On).

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. § 777; Dec. Dig. § 282.\* 4 Va.-W. Va. Enc. Dig. 425.]

Error to Circuit Court, Chesterfield County.

Action by the Forest View Land Company, Incorporated, against the Atlantic Coast Line Railroad Company. Judgment for defendant, and plaintiff brings error. Affirmed.

*Smith & Gordon* and *Jas. F. Minor*, all of Richmond, for plaintiff in error.

*Wm. B. McIlwaine*, of Petersburg, and *E. P. Cox*, of Richmond, for defendant in error.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.